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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,695	01/10/2002	Rotem Cooper	010110	7705
23696 7590 10/05/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER IQBAL, KHAWAR	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 10/05/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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kascanla@qualcomm.com
nanm@qualcomm.com

Office Action Summary

Application No.

10/043,695

Applicant(s)

COOPER, ROTEM

Examiner

Khawar Iqbal

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9-29-07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mazzara (20030087642).

Regarding claim 1 Mazzara teaches in a mobile station including a preferred roaming list, a system acquisition procedure comprising the steps of (figs.1-3):

maintaining a list of unusable (non-preferred system) wireless communications systems, each entry of a wireless communication system in the list of unusable wireless communications systems including a system identifier and corresponding avoidance criterion for not using the wireless communication system, wherein at least one of said unusable wireless communications systems is included on the preferred roaming list (system access list part of a preferred roaming list) (para. # 0037,0040, 0052-0056, 0063);

selecting a wireless communications system from the preferred roaming list of wireless communication system in accordance with a predetermined system acquisition

Art Unit: 2617

sequence, each entry of a wireless communication system in the preferred roaming list including system identifier (para. # 0040-0041);

determining whether the selected wireless communication system from the preferred roaming list is a useable wireless communication system or an unusable wireless communication system (para. # 0040-0041, 0044 and 0049-0052);

attempting to acquire and register with the selected wireless communications system when the selected wireless communication system is determined to be a useable wireless communication system (para. # 0049-0052);

repeating the step of selecting when the selected communication system is determined to be an unusable wireless communication system (para. # 0054 see above);

wherein the selected wireless communications system is determined to be an unusable wireless communication system when a system identifier for the selected wireless communication matches a system identifier in the list of unusable wireless communications systems and when avoidance criterion corresponding to the system identifier in the list of unusable wireless communication system is satisfied (para. # 0040-0041, 0044 and 0049-0052, 0054-56).

Regarding claim 12 Mazzara teaches in a mobile station, a method for marking wireless communications systems as unusable wireless communications systems comprising the steps of (figs. 1-3):

maintaining a list of unusable wireless communications systems, each entry of a wireless communications systems in the list of unusable wireless communications

Art Unit: 2617

systems including a system identifier and corresponding avoidance criterion for not using the wireless communication system (para. # 0037,0040, 0052-0056, 0063);

selecting a wireless communications system from a preferred roaming list (para. # 0037,0040, 0052, 0055);

detecting a communications failure associated with a wireless communications system selected from the preferred roaming list (para. # 0037,0040, 0052, 0055); and

adding a record to the list of unusable wireless communications systems, the added record including an identifier of the wireless communications selected from the preferred roaming list system and corresponding avoidance criterion based on the detected communications failure, wherein the wireless communications selected from the preferred roaming list but is unusable while the corresponding avoidance criterion is satisfied (para. # 0037,0040, 0052, 0055-0056,0063).

Regarding claim 17 Mazzara teaches a mobile station comprising (figs. 1-3):

a memory storing a preferred roaming list of wireless communications systems, the preferred roaming list including a first plurality of system identifiers and corresponding acquisition parameters for corresponding unusable wireless communications systems (para. # 0044-45 see above); and

processing circuitry adapted to create and maintain a list of unusable wireless communications systems, the list of unusable wireless communications systems being stored in the memory and including a second plurality of system identifiers and corresponding avoidance criterion for not using corresponding unusable wireless communications systems, communications systems, wherein at least one of said

Art Unit: 2617

unusable wireless communications systems is included on the preferred roaming list (para. # 0037,0040, 0052, 0055-0056,0063),

wherein a selected wireless communications system from the preferred roaming list is determined to be an unusable wireless communications systems when a system identifier for the selected wireless communication system matches a system identifier in the list of unusable systems and the avoidance criterion corresponding the system identifier in the list of unusable wireless communication system is satisfied (para. # 0052-56 see above).

Regarding claim 22 Mazzara teaches a processor readable media for storing instructions operable in a wireless device to:

maintaining a list of unusable (non-preferred system) wireless communications systems, each entry of a wireless communication system in the list of unusable wireless communications systems including a system identifier and corresponding avoidance criterion for not using the wireless communication system, wherein at least one of said unusable wireless communications systems is included on the preferred roaming list (para. # 0037,0040, 0052-0056,0063);

selecting a wireless communications system from the preferred roaming list of wireless communication system (para. # 0040-0041);

determining whether the selected wireless communication system from the preferred roaming list is a useable wireless communication system or an unusable wireless communication system, wherein the selected wireless communication system is determined to be an unusable wireless communication system when the selected

Art Unit: 2617

wireless communication system is included in the list of unusable wireless communication systems and when the corresponding avoidance criterion is satisfied (para. # 0037,0040, 0052, 0055-0056,0063);

attempting to acquire and register with the selected wireless communications system when the selected wireless communication system is determined to be a useable wireless communication system (para. # 0049-0052, see above).

Regarding claim 2 Mazzara teaches wherein each system identifier identifies at least one wireless communications system (para. # 0044-45 see above).

Regarding claim 3 Mazzara teaches wherein each wireless system identifier includes a frequency (para. # 0044-0045 see above).

Regarding claim 4 Mazzara teaches wherein each wireless system identifier includes a SID/NID pair that uniquely identifies a wireless communications system (para. # 0044-0045 see above).

Regarding claims 5,23 Mazzara teaches detecting a communications failure with a wireless communications system and adding a new entry to the list of unusable wireless communications systems, the new entry including an identifier of the failed wireless communications system and corresponding avoidance criterion (para. # 0040-0045, 0054-0056, see above).

Regarding claims 6,24 Mazzara teaches assigning an avoidance duration to the detected system failure and calculating an avoidance time before which the failed wireless communications system is unusable, the avoidance time equal to a current

Art Unit: 2617

time plus the avoidance duration, wherein the avoidance criterion includes the avoidance time (para. # 0038,0039,0067 see above).

Regarding claim 7 Mazzara teaches wherein the avoidance criterion is satisfied if the stored avoidance time is greater than the current time (para. # 0038,0039,0067 see above).

Regarding claim 8 Mazzara teaches maintaining a list of detectable wireless communications failures, each detectable wireless communications failure having a corresponding avoidance duration; locating the detected system failure in the list of wireless communications failures; and using the corresponding avoidance duration in the step of calculating (para. # 0038,0039,0055,0067 see above).

Regarding claim 9 Mazzara teaches wherein the step of detecting includes the step of detecting failed attempts to acquire and register with the selected wireless communications system (para. # 0038,0039,0055,0067 see above).

Regarding claim 10 Mazzara teaches wherein the steps of selecting and attempting are repeated until the mobile device successfully acquires and registers with the selected wireless communication (para. # 0038,0039,0055-0056,0067 see above).

Regarding claim 11 Mazzara teaches wherein the wireless communications systems are selected from the preferred systems list in a predetermined order of desirability (para. # 0038,0039,0055-0056,0067 see above).

Art Unit: 2617

Regarding claim 13 Mazzara teaches wherein each system identifier identifies at least one wireless communications system (para. # 0038,0039,0055-0056,0067 see above).

Regarding claim 14 Mazzara teaches detecting a communications failure with a wireless communications system and adding a new entry to the list of unusable wireless communications systems, the new entry including an identifier of the failed wireless communications system and corresponding avoidance criterion (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 15 Mazzara teaches assigning an avoidance duration to the detected system failure and calculating an avoidance time before which the failed wireless communications system is unusable, the avoidance time equal to a current time plus the avoidance duration, wherein the avoidance criterion includes the avoidance time (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 16 Mazzara teaches wherein the avoidance criterion is satisfied if the stored avoidance time is greater than the current time (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 18 Mazzara teaches detecting a communications failure with a wireless communications system and adding a new entry to the list of unusable wireless communications systems, the new entry including an identifier of the failed wireless communications system and corresponding avoidance criterion (para. # 0038,0039,0052-0056,0067 see above).

Art Unit: 2617

Regarding claim 19 Mazzara teaches assigning an avoidance duration to the detected system failure and calculating an avoidance time before which the failed wireless communications system is unusable, the avoidance time equal to a current time plus the avoidance duration, wherein the avoidance criterion includes the avoidance time (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 20 Mazzara teaches maintaining a list of detectable wireless communications failures, each detectable wireless communications failure having a corresponding avoidance duration; locating the detected system failure in the list of wireless communications failures; and using the corresponding avoidance duration in the step of calculating (para. # 0038,0039,0052-0056,0067 see above).

Regarding claim 21 Mazzara teaches wherein processing circuitry is further adapted to delete an entry from the list of unusable communications system when the corresponding avoidance time is than the current time (para. # 0038,0039,0052-0056,0063,0067 see above).

Response to Arguments

3. Applicant's arguments filed 03-28-07 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed applicant's arguments but firmly believes that the cited references reasonably and properly meet the claimed limitations. In regard to applicant's arguments against Mazzara, in page 5 (Remarks). Examiner respectfully disagrees with this argument.

In page 9-10, paragraph # 0030 of the original specification, the applicant states:

"A preferred system acquisition sequence for the mobile station 2 will now be described with reference to FIG. 2 and the flow diagram of FIG. 4. The

Art Unit: 2617

illustrated system acquisition sequence is preferably performed by the processing circuitry 80 before an attempt is made to acquire and register with a wireless communications system. In Step 150, the mobile station 2 selects a system from the systems table 100 in accordance with a predetermined system acquisition sequence. In a preferred embodiment, the most desirable system in the mobile station's current geographic region is selected from the preferred roaming list. In Step 160, the mobile station 2 searches for the selected system in the avoidance data 104 and, if found, analyzes the corresponding avoidance criterion to determine whether the selected system is unusable. In a preferred embodiment, the avoidance criterion includes an Avoidance_Time, which is compared to a current time as measured by clock 98. If the Avoidance_Time is greater than the current time then the selected system is unusable and should be avoided, and control returns to Step 150 where the next most desirable system is selected from the preferred roaming list."

In page 5, paragraph # 0053, Mazzara states :

"In one embodiment of the current invention, a non-preferred system setting (NPSS) may be loaded when the current record for the geographical region is the lowest priority record, and an attempt to obtain service with the non-preferred system setting may be attempted as seen at block 232. The non-preferred system setting may provide access to cellular services using a secondary channel. A secondary channel may correspond to a secondary contract carrier. A secondary channel may correspond to a preferred carrier. A secondary channel may be a non-preferred channel. The non-preferred channel may correspond to a non-preferred carrier. The secondary channel may be in a second band."

After comparing both of the above paragraphs, it is clear that Mazzara teaches selecting a channel from a list of non-preferred systems channels, which is a preferred channel, belong to a list of preferred system channels. In other word, it clearly means that one of unusable communication systems is belong to preferred roaming list. Therefore, the rejection of the claims in view of Mazzara will remain.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2617

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal


GEORGE ENG
SUPERVISORY PATENT EXAMINER